IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

1. Crl. Misc. No. 5331-M of 2007
Date of Decision: May 14,2007

Harinder Singh Saini .....Petitioner

Versus

State of Punjab & another .....Respondents

2. Crl.Misc.. No. 645-M of 2006
Date of Decision: May 14,2007

Ruldoo Singh & another .....Petitioners

Versus

State of Punjab & another .....Respondents

Coram: Hon'ble Mr.Justice S.S.Saron

Present: Mr.Kuldeep Sanwal,Advocate for the petitioner.
Mr.Mukesh Kaushik, DAG Punjab
Mr.Amarjit Singh Gill, Advocate for respondent No.2

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S.S.Saron,J.

This order shall dispose of Crl. Misc. No. 645-M of 2006 filed by Ruldoo Singh and Sawinder Kaur, petitioner Nos. 1 and 2, who are the father-in-law and mother-in-law respetively of Navjot Kaur, respondent No.2 and Crl.Misc. No.5331-M of 2007 filed by Harinder Singh Saini, who is the husband of Navjot Kaur, respondent No.2.

Both these petitions arise out of FIR No. 90 dated 8.10.2005 (Annexure P1 with Crl.Misc. No.5331-M of 2007 and Anneuxre P5 with Crl.Misc. No. 645-M of 2006). The petitioners in both the respective petitions seek quashing of the aforesaid FIR No.90 dated 8.10.2005 registered at Police Station Division No.2, Jalandhar for the offences under Sections 406/498-A of the Indian Penal Code.(IPC-for short) The facts are taken from the case of Crl.Misc. No. 5331-M of 2007 (Harinder Singh Saini vs. State of Punjab and another).

The petitioner-Harinder Singh Saini was married with respondent No2-Navjot Kaur on 12.10.2002 according to Hindu rites (Anand Karaj). However, during their marriage, a matrimonial dispute arose between the parties. Petitioner-Harinder Singh Saini filed a petition under Section 9 of the Hindu Marriage Act, 1955 (for short `the Act') before the District Judge, Gurdaspur. Respondent No.2 got registered the impugned FIR No.90 dated 8.10.2005 at Police Station Division No.2, Jalandhar. Both the parties have now amicably settled their matrimonial dispute amongst themselves and they have decided to part ways amicably. The petition for dissolution of marriage by mutual consent under Section 13-B of the Act has been filed on 26.7.2006. The statement of respondent No.2 Navjot Kaur was recorded on 27.7.2006 (Annexure P3). The petition filed under Section 9 of the Act filed by the petitioner-Harinder Singh Saini has been dismissed as withdrawn on 26.8.2006 (Annexure P4). Smt.Navjot Kaur, respondent No.2 had also filed a petition under Section 125 Cr.P.C. for the grant of maintenance and the same has also been withdrawn by her on 17.8.2006.

Reply by way of affidavit of respondent No.2 has been filed in Court today. It is stated that the joint petition filed under Section 13-B of the Act has been accepted vide order dated 9.3.2007 of the learned District Judge, Jalandhar and the marriage between the parties was dissolved. It is also stated that the complainant (respondent No.2) would have no objection if FIR No.90 dated 8.10.2005 (Annexure P1) is quashed. Respondent No.2 is present in Court. Her father Sh.Satnam Singh Saini is also present in Court and have been identified by Sh. Amarjit Singh Gill,Advocate appearing for respondent No.2. It is submitted by respondent No.2 that she has no objection to the quashing of the impugned FIR, Besides, she was stating so with her own free will and desire.

Learned counsel for the State has submitted that in view of the compromise between the parties, State would not have an objection to the quashing of the FIR.

The Hon'ble Supreme Court in **B.S.Joshi vs. State of Haryana** 2003 SCC (Crl) 848 has held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash proceedings in respect of offences relating to matrimonial dispute even though they are not compoundable. It was rather stressed that it is the duty of the Court to encourage genuine settlements of the matrimonial disputes. In the present case, the matrimonial dispute between the parties has indeed been settled amicably. The parties have withdrawn their respective cases against each other. The marriage between them has also been dissolved by a decree of divorce by mutual consent. Therefore, in order to put the matter to an end so that the parties may part their ways amicably, it would be in the interest

of justice if the aforesaid impugned FIR is quashed.

Consequently, both the petitions i.e. Crl.Misc. No. 5331-M of 2007 and Crl.Misc. No.645-M of 2006 are allowed and FIR No.90 dated 18.10.2005 registered at Police Station Division No.2 for the offences under Sections 406/498-A IPC and all subsequent and consequential proceedings arising therefrom are quashed.

(S.S.Saron)
Judge

May 14, 2007

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